

04 MAY 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Michael I. Stewart  
SIM & McBURNEY  
6th Floor, 330 University Avenue  
Toronto, Ontario  
Canada M5G 1R7

In re Application of :  
GAJEWCZYK, Diana M. *et al* :  
U.S. Application No.: 09/786,235 :  
PCT No.: PCT/CA00/00807 :  
Int. Filing Date: 03 September 1999 :  
Priority Date: 04 September 1998 :  
Attorney Docket No.: 1038-1129 MIS:jb :  
For: TREATMENT OF CERVICAL CANCER :

## DECISION

This decision is in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 01 December 2003.

## BACKGROUND

On 18 July 2003, a decision dismissing applicants' petition was mailed for failing to meet the requirements of item (4) of 37 CFR 1.47(a).

On 01 December 2003, applicants submitted the instant renewed petition which was accompanied by, *inter alia*, a declaration executed by seven of the eight listed co-inventors and a three-month extension and a \$950.00 extension fee.

## DISCUSSION

In the renewed petition, the 37 CFR 1.47(a) applicant provided a five-page declaration signed by seven of the eight joint inventors. All joint inventors' names, residences, post office addresses and citizenship are recorded on the declaration as required by section 409.03(a) of the Manual of Patent Examining Procedure (MPEP).

However, a review of the declaration reveals that it contains non-initialed, non-dated alterations on page three and four. The addresses of co-inventors' Diane M. Gajewczyk, Michel H. Klein and James Tartaglia have been modified without the alteration being dated or initialed. New oaths or declarations executed by the inventors are required. See 37 CFR 1.52(c)(1). Therefore, item (4) of 37 CFR 1.47(a) is still not satisfied.

It is noted that the change of address on the declaration for joint inventor, Benjamin Rovinski, is dated and initialed and is acceptable.

**CONCLUSION**

For the reason noted above, applicants' second renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



James Thomson  
Attorney Advisor  
Office of PCT Legal Administration

Tel.: (703) 308-6457